Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of the action plan of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and previous Review Conference outcomes

Report submitted by Germany

Introduction

1. Germany considers the Treaty on the Non-Proliferation of Nuclear Weapons to be the cornerstone of the international disarmament and non-proliferation architecture. Germany is committed to the universal validity of the Treaty.

2. Germany welcomed the adoption of the forward-looking action plan in 2010 as a contribution to strengthening the Treaty in its totality. The action plan draws upon the 13 practical steps agreed on at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and offers guidance on their effective implementation. The action plan requires progress on all aspects of the Treaty, since non-proliferation, disarmament and the peaceful use of nuclear energy are intrinsically interconnected. Germany is cooperating with its partners, particularly within the European Union and the Non-Proliferation and Disarmament Initiative.

3. With regard to nuclear disarmament, Germany is convinced that further progress is needed to achieve the goal of a nuclear-weapon-free world in line with article VI of the Non-Proliferation Treaty. While Germany is firmly committed to its obligations within the North Atlantic Treaty Organization (NATO) alliance, it is resolved to help create the conditions for a world without nuclear weapons in accordance with the goals of the Non-Proliferation Treaty. Within this context, a new disarmament round between the United States of America and the Russian Federation should begin as soon as possible and should also address substrategic nuclear weapons. Parallel to further quantitative reductions, the role of nuclear weapons in all security doctrines and their operational readiness should be further diminished. In line with the action plan, all nuclear-weapon States should increase transparency with respect to their arsenals. The Comprehensive Nuclear-Test-Ban Treaty must finally enter into force, and negotiations on a treaty prohibiting the

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production of fissile material should begin in the near future. As the Conference on Disarmament moves into its eighteenth consecutive year of stalemate, Germany is concerned about the Conference's functionality as the sole permanent multilateral disarmament treaty negotiating body. The Conference's ability to address the security needs of the international community is in serious doubt.

4. With regard to non-proliferation, Germany is actively involved in finding a diplomatic solution to the current proliferation crises, which could jeopardize the integrity of the Treaty. Germany commends the crucial work of the International Atomic Energy Agency (IAEA), as the custodian of the Treaty, via its safeguards system. Germany is the third-largest contributor to the IAEA budget. Germany also calls upon all States to adopt the IAEA Additional Protocol as the nuclear verification standard. With respect to its export policy, Germany is applying a "catch-all" approach requiring the control of non-listed but potentially sensitive items. Germany is also promoting the implementation of Security Council resolution 1540 (2004) via the Wiesbaden process, which is facilitating dialogue with industry.

5. As far as the peaceful use of nuclear energy is concerned, Germany is contributing to technical cooperation through its substantial support of the IAEA work in this field. Germany is active in the area of nuclear security and has joined all pertinent instruments designed to help prevent nuclear terrorism and reduce nuclear risks.

6. For good reason, reporting requirements are an important part of the action plan. They help increase transparency and build trust among partners. In this context, Germany submits its own reports in connection with action 20 of the 2010 action plan.

Article-by-article review, including the 13 practical steps

I. Nuclear disarmament

Action 1

7. Germany considers the Non-Proliferation Treaty to be the cornerstone of the international non-proliferation and disarmament architecture. Germany is committed to complying with the Treaty in the strictest and most comprehensive fashion. This includes fulfilling its obligations under the safeguards agreement with IAEA.

Action 2

8. Germany reiterates its commitment to applying the principles of irreversibility, verifiability and transparency in relation to the implementation of its treaty obligations.

Action 6

9. As a member of the Conference on Disarmament, Germany supports the establishment of a subsidiary body to deal with nuclear disarmament, within the context of an agreed, comprehensive and balanced programme of work. Germany has consistently called for the adoption by the Conference of a programme of work that would provide for the implementation of this action, and it has indeed actively supported all draft programmes of work to this effect that have been submitted to

the Conference for adoption in recent years (CD/1864 in 2009, CD/1933/Rev.1 in 2012 and CD/1948 and Corr.1 in 2013).

Action 7

10. As a member of the Conference on Disarmament, Germany supports the discussion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, within the context of an agreed, comprehensive and balanced programme of work. Germany has consistently called for the adoption by the Conference of a programme of work that would provide for the implementation of this action, and it has indeed actively supported all draft programmes of work to this effect that have been submitted to the Conference in recent years (CD/1864 in 2009, CD/1933/Rev.1 in 2012 and CD/1948 and Corr.1 in 2013).

Action 9

11. Germany considers nuclear-weapon-free zones to be of great value on the way to achieving the ultimate goal of a world free of nuclear weapons. Germany supports the dialogue between members of the Association of Southeast Asian Nations and the nuclear-weapon States on the possible signature by those States of the Protocol to the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone. With respect to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, Germany urges all States concerned to reach agreement on the remaining differences.

12. Germany continues to support the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region.

Action 10

13. Germany was among the first countries (the nineteenth State) to ratify the Comprehensive Nuclear-Test-Ban Treaty, in 1998.

Actions 11 and 12

14. The Federal Government outlined Germany's outreach activities regarding the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty during the article XIV conferences held in New York on 23 September 2011 and 27 September 2013. Furthermore, Germany has been promoting the Comprehensive Nuclear-Test-Ban Treaty as a new member of the Friends of the Comprehensive Nuclear-Test-Ban Treaty (since May 2013) and is also represented in the newly established Group of Eminent Persons by former Comprehensive Nuclear-Test-Ban Treaty Organization Executive Secretary Wolfgang Hoffmann.

Action 13

15. Germany continues to stress the importance of the early entry into force of the Treaty at all levels and urges its signature and ratification, in particular by the remaining Annex 2 States, in high-level talks, public statements and relevant multilateral forums. As a member of the European Union, Germany has firmly supported the European Union's statements, positions and voluntary contributions promoting the Comprehensive Nuclear-Test-Ban Treaty Organization and its

verification system, as well as the European Union's outreach activities to this end. As a member of the Non-Proliferation and Disarmament Initiative, Germany actively supports all Initiative statements promoting the early entry into force and universalization of the Comprehensive Nuclear-Test-Ban Treaty. As a member of the Group of Eight (G8), Germany actively supported the G8 démarches urging ratification of the Comprehensive Nuclear-Test-Ban Treaty.

16. Germany regularly co-sponsors the annual General Assembly resolution, which stresses the fundamental importance of the Comprehensive Nuclear-Test-Ban Treaty to nuclear disarmament and non-proliferation and calls for its early entry into force.

Action 14

17. Germany hosts five monitoring stations in the International Monitoring System — two seismological and two infrasound stations as well as a radionuclide station.

18. Germany also actively assists the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty in building on the verification regime, through close cooperation and by providing experts for developing on-site inspection procedures.

Action 15

19. Germany attaches fundamental importance to the early commencement of negotiations on an effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, commonly referred to as "fissile material cut-off treaty". Germany considers negotiations on a treaty banning the future production of such material while dealing with existing material in an appropriate way as the next logical step along the path towards a world without nuclear weapons.

20. Germany has long been among the advocates of a treaty on fissile material. The Federal Government has pushed hard for the commencement of fissile material cut-off treaty negotiations and continues to do so. In the Conference on Disarmament, it argues vigorously in favour of the adoption of a programme of work which includes the start of fissile material cut-off treaty negotiations. In 2008, Germany submitted to the 2008 Preparatory Committee for the Review Conference, as a conceptual contribution, a working paper entitled "Creating New Momentum for a Fissile Material Cut-off Treaty". In November 2009, the Federal Foreign Office hosted an international conference in Berlin entitled "Towards an FMCT: Significance, Political Context and Technical Implications", in which representatives from 44 States participated. Its aim was to support the work of the Conference on Disarmament by inviting senior experts and diplomats to discuss key aspects of a future fissile material cut-off treaty.

21. Pursuant to General Assembly resolution 66/44, adopted by the Assembly at its sixty-sixth session, Germany, together with the Netherlands, organized two scientific expert meetings featuring technical discussions in Geneva in 2012, in which representatives of 45 States participated, to help prepare the ground for fissile material cut-off treaty negotiations under the auspices of the Conference on

Disarmament (see reports contained in documents CD/1935 of 26 June 2012 and CD/1943 of 13 September 2012).

22. Germany's Minister for Foreign Affairs addressed the high-level meeting on revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations, held in New York on 24 September 2010, and underlined Germany's great concern about the continuing failure of the Conference to resume substantive work.

23. Germany has consistently called for the adoption by the Conference of a programme of work that would allow fissile material cut-off treaty negotiations to commence, and has indeed actively supported all draft programmes of work to this effect that have been submitted to the Conference for adoption in recent years (CD/1864, CD/1933/Rev.1 and CD/1948 and Corr.1).

24. As a result of Germany's profile in matters related to the fissile material cut-off treaty, on 24 October 2013 the German Government was invited to participate in the Group of Governmental Experts established pursuant to General Assembly resolution 67/53, entitled "Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices" and adopted by the General Assembly at its sixty-seventh session.

Action 18

25. Germany has never had facilities for the production of fissile material for use in nuclear weapons or other nuclear explosive devices.

Action 19

26. Germany is committed to improving cooperation. Germany has supported various events designed to stimulate debate with civil society organizations, such as the Middle Powers Initiative Conference held in Berlin in February 2013.

Action 21

27. Together with the other members of the Non-Proliferation and Disarmament Initiative, Germany has drafted a standard reporting form, which could be used by the nuclear-weapon States. Germany welcomes the dialogue of the nuclear-weapon States on this issue and hopes that it will produce concrete results which can be presented at the third session of the Preparatory Committee, in 2014.

Action 22

28. Germany welcomes the recommendations contained in the report of the Secretary-General regarding the Organization's study on disarmament and non-proliferation education. At the federal level, Germany is actively informing the public about disarmament. Germany is also contributing to the United Nations Disarmament Fellowship, Training and Advisory Services Programme.

II. Nuclear non-proliferation

Action 23

29. Germany calls upon all non-Treaty States to join the Treaty as non-nuclear-weapon States and without preconditions.

Action 24

30. Germany has some of the world's leading nuclear safeguards and security regimes in place.

Action 25

31. Germany calls upon all States that have not yet done so to conclude and implement comprehensive safeguards agreements with IAEA.

Action 28

32. Germany has a strong interest in an effective and efficient global IAEA Safeguards System and has therefore supported all efforts to strengthen this cornerstone of the international non-proliferation regime. The implementation of the Additional Protocol in particular has great potential for introducing a new dimension to cooperation between member States and IAEA. The Additional Protocol entered into force in Germany and the then 15 European Union member States in April 2004. Germany calls upon all States that have not yet done so to sign and bring into force the Additional Protocol.

Action 29

33. The Non-Proliferation and Disarmament Initiative has offered support to all countries interested in implementing the Additional Protocol.

Action 30

34. Germany aligns itself with the recommendations of the working paper on this subject submitted by the Non-Proliferation Disarmament Initiative in 2013 (NPT/CONF.2015/PC.II/WP.23).

Action 33

35. Germany pays the third-largest annual contribution to the regular budget of IAEA. In addition, Germany has volunteered 7 million euros for the "Enhancing Capabilities of the Safeguards Analytical Services" (ECAS) project to modernize the IAEA Safeguards Analytical Laboratory in Seibersdorf.

36. In connection with the IAEA secretariat's initiative to expand the Agency's Network of Analytical Laboratories, the German Government nominated the Forschungszentrum Jülich as a candidate for membership of the Network of Analytical Laboratories in February 2013.

Action 34

37. In 1978, IAEA and the Federal Republic of Germany formally established the Joint Programme on the Technical Development and Further Improvement of IAEA Safeguards, also referred to as the German Support Programme.

38. The overall aim of the German Support Programme is to cooperate with IAEA in developing state-of-the-art methods and techniques, to ensure the implementation of the developed methods and techniques, and to provide training, expert advice and consultancy on safeguards issues.

39. With more than 35 years of experience in safeguards research and development and the appropriate research networks, Germany will continue to support IAEA.

Action 35

40. As an active member of the Nuclear Suppliers Group, Germany organizes its export licensing procedure in accordance with the objectives of the Nuclear Suppliers Group Guidelines. Germany thus strictly complies with the fundamental principles for safeguards and export controls in connection with nuclear transfers for peaceful purposes to any non-nuclear-weapon State and, in the case of controls on retransfers, to any State. Germany exercises a policy of restraint with respect to transfers of sensitive facilities, equipment, technology and material which could potentially be used for nuclear weapons or other nuclear explosive devices. Moreover, Germany pursues a "catch-all approach" with regard to export controls, which also includes the control of non-listed but potentially sensitive items.

Action 36

41. Germany has comprehensive legislation to ensure the effective implementation of the Nuclear Suppliers Group Guidelines, including export licensing regulations, enforcement measures, and penalties for violations. Within the Nuclear Suppliers Group, Germany is also working to further develop and improve the Guidelines and nuclear-weapon-related export controls and supports other States in strengthening their export control mechanisms.

Action 37

42. In accordance with the Nuclear Suppliers Group Guidelines, Germany transfers trigger list items or related technology to a non-nuclear-weapon State only on condition that the receiving State has brought into force an agreement with IAEA requiring the application of safeguards on all source and special fissionable material to its current and future peaceful activities.

Action 41

43. Germany applies the IAEA recommendations on the physical protection of nuclear material and nuclear facilities (INFCIRC/225/Rev.4 (Corrected)) and other relevant international instruments, as well as the IAEA Code of Conduct on the Safety and Security of Radioactive Sources and the Guidance on the Import and Export of Radioactive Sources.

Action 42

44. Germany adheres to the Convention on the Physical Protection of Nuclear Material and ratified the 2005 Amendment to the Convention on 21 October 2010. Germany actively supported international efforts to obtain the quorum for its entry into force. Germany fully respects the Convention and the Amendment to it and acts in accordance with their objectives and purposes.

Action 43

45. See response to action 41.

Action 44

46. Germany has taken part in international information-sharing on the illicit trafficking of nuclear materials through its involvement in the IAEA Incident and Trafficking Database, the IAEA Nuclear Security Information Portal and the Implementation and Assessment Group of the Global Initiative to Combat Nuclear Terrorism. The German Federal Criminal Police Office (BKA) cooperates within the framework of the INTERPOL Chemical, Biological, Radiological, Nuclear and Explosives Terrorism Prevention Programme, the joint INTERPOL/Europol project "Rutherford" and the chemical, biological, radiological and nuclear working group of the European Explosive Ordnance Disposal Network, all of which address illicit trafficking in nuclear or other radioactive materials. Since 2011, the Federal Customs Administration has more than doubled the number of mobile radiation measurement devices. The new highly sensitive radiation gauges enable customs authorities to perform customs controls more efficiently. Furthermore, a special chemical, biological, radiological and nuclear incident-reporting scheme for the police and customs was implemented in July 2012.

47. For Germany, the evaluation of its national nuclear security regulatory framework is an ongoing process involving all relevant authorities. Since 2010, numerous regulations have been amended or rewritten. An evaluated design basis threat for nuclear facilities, a new guideline for intermediate storage and a new regulatory framework for cybersecurity including a national design basis threat, have entered into force. The regulatory framework for nuclear transports, including a national design basis threat, has been drafted and is expected to be implemented in 2014.

48. Germany actively supports the Global Initiative to Combat Nuclear Terrorism and attended Global Initiative plenary meetings in Daejeon, Republic of Korea, in June 2011 and in Mexico City in May 2013. In cooperation with the European Commission, Germany organized a Global Initiative workshop on core capabilities in nuclear forensics at the Institute for Transuranium Elements in Karlsruhe, Germany, in May 2011.

49. Germany has continued to make large-scale contributions to its G8 Global Partnership projects in Russia. Nuclear security has been dramatically improved, specifically by dismantling decommissioned nuclear submarines from Russia's Northern Fleet and by securing sensitive nuclear installations and materials.

Action 45

50. Germany ratified the International Convention for the Suppression of Acts of Nuclear Terrorism in 2007.

Action 46

51. Germany is actively supporting IAEA activities in this field.

III. Peaceful uses of nuclear energy

Action 53

52. Germany is making a substantial contribution to the IAEA Technical Cooperation Programme and thereby fostering the responsible development of nuclear technology in the areas of human health, food and agriculture, with a focus on nuclear and radiation safety.

Action 59

53. Germany adheres to the Convention on Nuclear Safety, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.

Action 63

54. Germany adheres to the Convention on Third Party Liability in the Field of Nuclear Energy (Paris Convention) and the Brussels Convention Supplementary to the Paris Convention.

IV. The Middle East, particularly implementation of the 1995 Resolution on the Middle East

55. Germany supports the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East. It commends the tireless efforts of the facilitator and calls upon all States concerned to engage in dialogue in a constructive spirit and with a willingness to compromise. It regards the Conference as the starting point for a process which would help to strengthen trust between all players and, at the same time, pave the way for establishing a zone free from weapons of mass destruction.

Other regional issues

56. North Korea's nuclear and missile programmes continue to give great cause for concern. North Korea has stepped up its missile and nuclear programmes in recent years. On 12 December 2012, North Korea successfully tested a long-range missile, and on 12 February 2013, it conducted a nuclear test. Both events amounted to flagrant violations of the pertinent Security Council resolutions. The Federal Government immediately and resolutely condemned the events. Germany has worked to achieve strongly worded resolutions from the Security Council as well as

the further tightening of sanctions, also via the European Union. North Korea must abandon its missile and nuclear programmes as the relevant Security Council resolutions call for, and return to the negotiating table. Germany strongly urges the Democratic People's Republic of Korea to abandon its nuclear programmes completely, verifiably and irreversibly, to refrain from ballistic missile tests and to fulfil the commitments made during the Six-Party Talks in accordance with the September 2005 Joint Statement. Germany fully implements all relevant nuclear non-proliferation and disarmament obligations, including relevant Security Council resolutions, Council of the European Union decisions and European Union autonomous sanctions.